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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

PHARMACYCHECKER.COM LLC,

*Plaintiff,*

vs.

LEGITSCRIPT LLC,

*Defendant.*

Civil Action No.3:22-cv-00252-SI

UNOPPOSED MOTION TO  
VACATE THE EXISTING CASE  
SCHEDULE

Judge Michael H. Simon

**CERTIFICATION PURSUANT TO LOCAL RULE 7-1(a)**

The plaintiff certifies that it has conferred with the defendant and the parties have agreed to file this unopposed motion to vacate the existing case schedule.

**MOTION**

Plaintiff moves the Court for an order vacating the existing case schedule (Dkt. No. 260) given Defendant LegitScript's pending motion for summary judgment and discovery stay (Dkt. Nos. 269, 271), both of which PharmacyChecker.com continues to oppose.

**MEMORANDUM IN SUPPORT OF MOTION**

1. On January 5, 2023, the Court granted Plaintiff's motion for extension of discovery deadlines (Dkt. No. 260). In that order, the Court directed that fact discovery be completed by November 27, 2023 and it set subsequent dates for the completion of expert discovery, *Daubert* and summary judgment motions.

2. Thereafter, on May 9, 2023, Defendant LegitScript filed a motion to stay discovery (Dkt. No. 269), and on June 1, 2023, LegitScript filed a motion for summary judgment limited to the issue of Plaintiff PharmacyChecker.com's antitrust standing (Dkt. No. 271).

3. Following oral argument, the Court took both motions under advisement on August 4, 2023.

4. Given the pending motions, the parties have stipulated that all upcoming case dates and deadlines should be vacated (Dkt. No. 260) and that new

case deadlines should be set if the Court denies LegitScript's motion for summary judgment.

Dated: October 23, 2023

Respectfully submitted,

*S/ Aaron Gott*

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*Counsel for Plaintiff*  
*PharmacyChecker.com*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of October, 2023, the foregoing Unopposed Motion to Vacate the Existing Case Schedule was filed electronically with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to all counsel of record in this matter.

By: s/ Aaron Gott  
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